

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TODD HERBERT JORGENSEN,

Plaintiff,

v.

Case No. 12-C-166

MICHAEL ASTRUE,

Defendant.

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff Todd Herbert Jorgenson has filed a Complaint seeking review of the decision of the Commissioner of Social Security. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915, as well as waiver of fees and costs associated with serving the defendant through the U.S. Marshal's Service. Plaintiff should note, however, Social Security appeals are forwarded to the defendant by the clerk via certified mail and service by the U.S. Marshals Service is not required. Therefore, the request for waiver of those fees is denied as moot.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *Nietzke v. Williams*, 490 U.S. 319, 324 (1989). An indigent plaintiff may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability "to pay such fees or give security therefor" and stating "the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1).

Plaintiff filed the required affidavit of indigence. (ECF No. 2-1.) Upon review of that affidavit, it appears that plaintiff cannot afford the \$350 filing fee.

THEREFORE, IT IS ORDERED that plaintiff's request to proceed *in forma pauperis* is **GRANTED** and the request for waiver of fees of the U.S. Marshal's Service is **DENIED as moot**.

Dated this 25th day of February, 2012.

s/ William C. Griesbach
William C. Griesbach
United States District Judge